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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,989	02/25/2004	Antoinette Tricker	1926-00095	4503
26753	7590	04/21/2005	EXAMINER	
ANDRUS, SCEALES, STARKE & SAWALL, LLP 100 EAST WISCONSIN AVENUE, SUITE 1100 MILWAUKEE, WI 53202				SANDY, ROBERT JOHN
ART UNIT		PAPER NUMBER		

3677

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/786,989	TRICKER, ANTOINETTE	
	Examiner Robert J. Sandy	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 February 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/4/2004</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION*****Information Disclosure Statement***

The information disclosure statement filed 4 June 2004 (cert. of mail date) lists a foreign patent document to EP 0042811 A1, which has not been considered since applicant hasn't provided a copy of the document a required under 37 CFR 1.98(a)(2).

***Claim Objections***

Claim 2 is objected to because of the following informalities: Claims 2 includes terms and phrase that are not either in a proper acceptable format and/or definite, as to the following:

In claim 2, line 1, the phrase "whose buckle" should be changed to read as -- wherein the buckle --; and in line 2, the phrase "whose shape" should be changed to read as -- having a shape --. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, line 2, the each of phrases "or any other material" and "shape or design is variable" renders the claim(s) indefinite because the claim includes elements not actually disclosed (those encompassed by "or any other material" and "shape or design is variable"), thereby rendering the scope of the claim(s) unascertainable.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unnold (U. S. Patent No. 1,458,088) in view of Brinson (U. S. Patent No. 5,029,372, cited by applicant). Unnold ('088) discloses a shoe lace comprising a cord (10), a conventional end piece (13) at one end and a buckle or anchoring device (fastening device 15) incorporating two holes (two apertures 19) at the other, which is threaded singly between two opposite eyelets on a shoe (14) and secured either by being twisted around the buckle or by being threaded through the two holes in the buckle; (concerning claim 2, so far as definite) the buckle or anchoring device is made from plastic, metal ("metal", line 54), wood, and having a shape or design (as best shown in Fig. 1). However, Unnold ('088) does not show wherein the cord is stiffened with a soft wire. Brinson ('372) teaches a shoe lace stiffened with a soft wire (copper strand wire 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the lace/cord of Unnold ('088) to be stiffened by a soft wire, since Brinson ('372) states in the "Summary of the Invention", that "[the lace] retains its shape and does not become untied by itself. The bow may also be twisted, turned, or otherwise shaped so as to further prevent the untying of the shoe".

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art lacing/fastening devices are demonstrated by the following:

US 1142199 A	USPAT	Olson, B. G.
US 2306515 A	USPAT	ARTHUR WRIGHT
US 5065482 A	USPAT	Lofy; Stephen J.
US 5239732 A	USPAT	Steven; Zack
US 5471769 A	USPAT	Sink; Jeffrey A.
US 6473944 B1	USPAT	Vazin; Hassan
US 2049932 A	USOCR	VOIT OSCAR B et al.
US 20040261235 A1	US-PGPUB	Funk, Douglas P.
US 5119539 A	USPAT	Curry; Larry E.
US 3353228 A	USOCR	FRANK KISH et al.
US 3066370 A	USOCR	HARRY EPSTEIN
US 1530690 A	USPAT	OLIVER WALTER M

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert J. Sandy  
Primary Examiner  
Art Unit 3677

  
ROBERT J. SANDY  
PRIMARY EXAMINER